

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MARIA GUTIERREZ, *individually and  
as Administratrix ad Prosequendum of the  
Estate of Hector Garcia Nunez,*

Plaintiff,

v.

MEDTRONIC PLC, et al.,

Defendants.

No. 22-5573 (SDW)(MAH)

**ORDER**

January 24, 2023

**WIGENTON**, District Judge.

Before this Court is the Report and Recommendation (“R&R”) entered on January 5, 2023, by Magistrate Judge Michael A. Hammer (“Judge Hammer”), (D.E. 26), recommending that this Court grant Covidien LP’s Motion to Dismiss, (D.E. 10), for insufficient service of process, and recommending that this Court grant Medtronic PLC’s Motion to Dismiss, (D.E. 11), for ineffective service of process and for lack of personal jurisdiction. This Court has reviewed the reasons set forth by Judge Hammer in the R&R.<sup>1</sup> Based on the foregoing, and for good cause shown, it is hereby

**ORDERED** that the R&R of Judge Hammer, (D.E. 26), is **ADOPTED** as the conclusions of law of this Court and this matter is hereby **DISMISSED** against Covidien LP for insufficient process, without prejudice to plaintiff provided Plaintiff effects proper service on Covidien LP within thirty days; and

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<sup>1</sup> The parties did not file objections to the R&R.

**ORDERED** that the R&R of Judge Hammer, (D.E. 26), is **ADOPTED** as the conclusions of law of this Court and this matter is hereby **DISMISSED** against Medtronic PLC for insufficient service and for lack of personal jurisdiction.

**SO ORDERED.**

/s/ Susan D. Wigenton  
**SUSAN D. WIGENTON, U.S.D.J.**

Orig: Clerk  
cc: Parties  
Michael A. Hammer, U.S.M.J.